

Fill in this information to identify the case:

Debtor 1 Mark Nicholas D'Amato

Debtor 2 Kimberly Sue Birkeland D'Amato  
(Spouse, if filing)

United States Bankruptcy Court for the: Eastern District of Texas  
(State)

Case number 18-41168

## Form 4100R

**Response to Notice of Final Cure Payment**

10/15

According to Bankruptcy Rule 3002.1(g), the creditor responds to the trustee's notice of final cure payment.

**Part 1: Mortgage Information**Name of creditor: U.S. Bank Trust National Association, As Trustee of the Lodge Series III TrustCourt claim no. (if known):  
1-1Last 4 digits of any number you use to identify the debtor's account: 6 9 6 7Property address: 109 Links Ln  
Number StreetAnnetta TX 76008  
City State ZIP Code**Part 2: Prepetition Default Payments**

Check one:

- ☒ Creditor agrees that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim.
- ☐ Creditor disagrees that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim. Creditor asserts that the total prepetition amount remaining unpaid as of the date of this response is: \$ \_\_\_\_\_

**Part 3: Postpetition Mortgage Payment**

Check one:

- ☒ Creditor states that the debtor(s) are current with all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs.

The next postpetition payment from the debtor(s) is due on: 01 / 01 / 2019  
MM / DD / YYYY

- ☐ Creditor states that the debtor(s) are not current on all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs.

Creditor asserts that the total amount remaining unpaid as of the date of this response is:

- a. Total postpetition ongoing payments due: (a) \$ \_\_\_\_\_
- b. Total fees, charges, expenses, escrow, and costs outstanding: + (b) \$ \_\_\_\_\_
- c. **Total.** Add lines a and b. (c) \$ \_\_\_\_\_

Creditor asserts that the debtor(s) are contractually obligated for the postpetition payment(s) that first became due on:

MM / DD / YYYY

Debtor 1 Mark Nicholas D'Amato  
First Name Middle Name Last Name

Case number (if known) 18-41168

**Part 4: Itemized Payment History**

If the creditor disagrees in Part 2 that the prepetition arrearage has been paid in full or states in Part 3 that the debtor(s) are not current with all postpetition payments, including all fees, charges, expenses, escrow, and costs, the creditor must attach an itemized payment history disclosing the following amounts from the date of the bankruptcy filing through the date of this response:

- ☐ all payments received;
- ☐ all fees, costs, escrow, and expenses assessed to the mortgage; and
- ☐ all amounts the creditor contends remain unpaid.

**Part 5: Sign Here**

**The person completing this response must sign it. The response must be filed as a supplement to the creditor's proof of claim.**

Check the appropriate box::

- ☐ I am the creditor.
- ☒ I am the creditor's authorized agent.

**I declare under penalty of perjury that the information provided in this response is true and correct to the best of my knowledge, information, and reasonable belief.**

Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this response applies.

X /s/ Kristin Zilberstein  
Signature

Date 05 / 20 / 2019

Print Kristin Zilberstein  
First Name Middle Name Last Name

Title Authorized Agent

Company Ghidotti | Berger

**If different from the notice address listed on the proof of claim to which this response applies:**

Address 1920 Old Tustin Ave  
Number Street

Santa Ana CA 92705  
City State ZIP Code

Contact phone (949) 427 - 2010

Email kzilberstein@ghidottiberger.com

Kristin Zilberstein, Esq. (24104960)  
GHIDOTTI | BERGER  
1920 Old Tustin Ave.  
Santa Ana, CA 92705  
Tel: (949) 427-2010  
Fax: (949) 427-2732  
kzilberstein@ghidottiberger.com

Attorney for Creditor  
U.S. Bank Trust National Association, As Trustee of the Lodge Series III Trust

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS - SHERMAN DIVISION

In Re:	)	CASE NO.: 18-41168
	)	
Mark Nicholas D'Amato and Kimberly Sue	)	CHAPTER 13
Birkeland D'Amato,	)	
	)	<b>CERTIFICATE OF SERVICE</b>
Debtors.	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	

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**CERTIFICATE OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is: 1920 Old Tustin Avenue, Santa Ana, CA 92705.

I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence would be deposited with the United States Postal Service the same day of deposit in the ordinary course of business.

On May 20, 2019 I served the following documents described as:

- **REQUEST FOR SPECIAL NOTICE**

on the interested parties in this action by placing a true and correct copy thereof in a sealed envelope addressed as follows:

(Via United States Mail)

**Debtor**

Mark Nicholas D'Amato  
109 Links Ln  
Aledo, TX 76008

**Joint Debtor**

Kimberly Sue Birkeland D'Amato  
109 Links Ln  
Aledo, TX 76008

**U.S. Trustee**

US Trustee  
Office of the U.S. Trustee  
110 N. College Ave.  
Suite 300  
Tyler, TX 75702

**Debtor's Counsel**

Mark S. Rubin  
Rubin & Associates, P.C.  
13601 Preston Rd  
Suite 500E  
Dallas, TX 75240

**Trustee**

Carey D. Ebert  
P. O. Box 941166  
Plano, TX 75094-1166

xx (By First Class Mail) At my business address, I placed such envelope for deposit with the United States Postal Service by placing them for collection and mailing on that date following ordinary business practices.

       Via Electronic Mail pursuant to the requirements of the Local Bankruptcy Rules of the Eastern District of California

xx (Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 20, 2019 at Santa Ana, California

/s/ Lynette Curtin  
Lynette Curtin